

Senate Study Bill 1063 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to noneconomic damage awards against health
2 care providers.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.136A, subsection 1, paragraph b,
2 Code 2023, is amended to read as follows:

3 *b.* *"Noneconomic damages"* means damages arising from
4 pain, suffering, inconvenience, physical impairment, mental
5 anguish, emotional pain and suffering, loss of chance, loss of
6 consortium, or any other nonpecuniary damages. *"Noneconomic*
7 *damages"* does not include the loss of dependent care, including
8 the loss of child care, due to the death of or severe injury
9 to a spouse or parent who is the primary caregiver of a child
10 under the age of eighteen or a disabled adult, and such damages
11 shall be considered economic damages.

12 Sec. 2. Section 147.136A, subsection 2, Code 2023, is
13 amended to read as follows:

14 2. *a.* The Subject to paragraph "b", the total amount
15 recoverable in any civil action for noneconomic damages
16 for personal injury or death, whether in tort, contract, or
17 otherwise, against a health care provider shall be limited to
18 two hundred fifty thousand dollars for any occurrence resulting
19 in injury or death of a patient regardless of the number of
20 plaintiffs, derivative claims, theories of liability, or
21 defendants in the civil action, unless.

22 *b.* If the jury determines that there is a substantial or
23 permanent loss or impairment of a bodily function, substantial
24 disfigurement, or death, which warrants a finding that
25 imposition of such a the limitation under paragraph "a" would
26 deprive the plaintiff of just compensation for the injuries
27 sustained, the total amount recoverable for noneconomic damages
28 under paragraph "a" shall be limited to one million dollars.

29

EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill relates to noneconomic damage awards against
33 health care providers. The bill provides that damages for loss
34 of dependent care due to death of or severe injury to a spouse
35 or parent who is the primary caregiver are considered economic

1 damages.

2 The bill limits the amount of noneconomic damages that
3 a jury can award a plaintiff if there is a substantial or
4 permanent loss or impairment of a bodily function, substantial
5 disfigurement, or death to \$1 million. The bill does not
6 amend the current exception to the cap for cases in which the
7 defendant's actions constitute actual malice.